

Date: Fri, 18 Jun 93 12:37:50 PDT
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>
Errors-To: Ham-Policy-Errors@UCSD.Edu
Reply-To: Ham-Policy@UCSD.Edu
Precedence: Bulk
Subject: Ham-Policy Digest V93 #197
To: Ham-Policy

Ham-Policy Digest Fri, 18 Jun 93 Volume 93 : Issue 197

Today's Topics:

 Blind VEs (2 msgs)
 NQOI Case: A Proposal for Action (4 msgs)
 NQOI Loses Big PRB-1 Antenna Case

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>
Send subscription requests to: <Ham-Policy-REQUEST@UCSD.Edu>
Problems you can't solve otherwise to brian@ucsd.edu.

Archives of past issues of the Ham-Policy Digest are available
(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text
herein consists of personal comments and does not represent the official
policies or positions of any party. Your mileage may vary. So there.

Date: 18 Jun 93 14:33:31
From: idacrd.ccr-p.ida.org!idacrd!n4hy@uunet.uu.net
Subject: Blind VEs
To: ham-policy@ucsd.edu

Jim, W5GYJ writes:

>I wonder if a lot of this stuff about "proving" that blind hams can
>act as VE's comes from the amateur community having to "prove" that
>they could give exams with as much trustworthiness as an FCC 'droid,
>er, staffer, back when the VE program was proposed. And, seemingly,
>not being too convincing at it, since 1 FCC 'droid == 3 VE's.

You have got to be kidding. Tell you what, you quadruple my salary as
a VE and if an FCC droid can live on that I will kiss your %^^.

BMc

--

Robert W. McGwier | n4hy@ccr-p.ida.org
Center for Communications Research | Interests: amateur radio, astronomy, golf
Princeton, N.J. 08520 | Asst Scoutmaster Troop 5700, Hightstown

Date: Fri, 18 Jun 93 16:22:46 GMT
From: csus.edu!netcom.com!netcomsv!orchard.la.locus.com!prodnet.la.locus.com!
lando.la.locus.com!dana@decwrl.dec.com
Subject: Blind VEs
To: ham-policy@ucsd.edu

In article <1vrd6e\$7mf@doc.cc.utexas.edu> aggedor@doc.cc.utexas.edu (The Monster
of Peladon) writes:

>

>Jim, W5GYJ writes:

>

>>I think that amateurs, VE's, VEC's, etc. are being a bit
>>hypersensitive about this whole issue. Darrell is right about the
>>task of administering the test being not at all comparable with
>>driving a car. The crucial question that must be answered is: "Is the
>>test-giving process trustworthy?" The blind amateur posters maintain
>>that it is, reasoning by similarity to the situation with blind
>>teachers. However, Gary Coffman's point about the FCC bureaucracy
>>having fits of literalism in rule interpretation is well taken. The
>>VE program's trustworthiness could possibly be in jeopardy over
>>an FCC Somebody's definition of the verb "to observe".

>

>In my view the FCC's regulatory liberalism has cost the hobby much, and will
>cost us more in the future. I could talk about more than one issue here, but
>I'll stick to the one at hand. I'd say that we were better off when the
>Commission gave the tests. But if the VE program is going to exist it should
>include everyone, and those who become part of it should be qualified. I
>demand quality service, and that is what blind amateurs are asking to give.

Could you explain why we were better off when the Commission gave the tests?
I passed my General written, 13 WPM code and Advanced written at the
San Francisco FCC office. I passed my Extra written and 20WPM code
at a VE session here in Lancaster. The VE program had made testing
far more available to far more people. When the FCC gave the tests,
people would be required to travel sometimes large distances in order
to take the test. How is this better?

--

* Dana H. Myers KK6JQ | Views expressed here are *
* (310) 337-5136 | mine and do not necessarily *
* dana@locus.com DoD #466 | reflect those of my employer

*

* This Extra supports the abolition of the 13 and 20 WPM tests *

Date: Fri, 18 Jun 93 16:10:46 GMT
From: pravda.sdsc.edu!news.cerf.net!usc!howland.reston.ans.net!agate!
headwall.Stanford.EDU!nntp.Stanford.EDU!umunhum!paulf@network.UCSD.EDU
Subject: NQ0I Case: A Proposal for Action
To: ham-policy@ucsd.edu

In article <1993Jun18.103451.29643@nntpd2.cxo.dec.com> little@nuts2u.enet.dec.com
(nuts2u::little) writes:

>Come on Paul, get serious. True tropo is not that common as compared to
>normal forward scatter which requires height and gain.

"Normal" forward scatter is a tropo mode, thus my comment. And frankly, yes,
most VHF and UHF DX is *not* worked with "Normal" forward scatter. Unless
you happen to feel that QSOs within your own or adjacent grid square are "DX".

My experience has been that megabeams and towers aren't really needed most
of the time for VHF DX, especially in your part of the country. When I was
first licensed, and living west of Naperville, I had a lot of fun with the
summertime ducts, working repeaters in Detroit using a 5w FM HT into a 1/4
wave whip mounted on top of the house. And I've had little problem working
most of Northern California on a regular basis using a 2m 4el beam up 20 ft.

> In any case,
>suggesting that the height of a weak signal VHF/UHF antenna is not of
>paramount importance is utter nonsense. The ability to hear weak
>terrestrial signals is almost directly proportional to one's antenna
>height.

Um, actually, no, the station noise temp is probably more important in the
long run. Once you're a few feet above the ground clutter, you've
gotten most of the advantage that you're going to get.

Again, the law is likely to provide for *an* antenna system, but not likely
an *optimal* one. By your definition, no height limitation is acceptable,
and that argument was thrown out long ago.

--
-=Paul Flaherty, N9FZX | "The National Anthem has become The Whine."
->paulf@Stanford.EDU | -- Charles Sykes, _A Nation of Victims_

Date: Fri, 18 Jun 1993 14:49:03 GMT

From: news.cerf.net!usc!howland.reston.ans.net!math.ohio-state.edu!
magnus.acs.ohio-state.edu!cis.ohio-state.edu!udecc.engr.udayton.edu!
blackbird.afit.af.mil!blackbird!jmillier@@pravda.sdsc.edu
Subject: NQOI Case: A Proposal for Action
To: ham-policy@ucsd.edu

In article <john.740334554@misty> john@anasazi.com (John R. Moore) writes:

A ray of hope.... Yesterday's Wall Street Journal (of all places) had
an article on people getting fed up with CC&R's and their related
Gestapo enforcers (the term used in the article, by the way).

This past Tuesday or Wednesday (15/16 Jun, don't recall for sure), USA Today
had a similar (same, perhaps?) article.

73,
Jeff

--

Jeff Miller, NH6ZW/N8, AFA1HE (ex WD6CQV, AFA8JM, AFA1D0)
AFIT School of Engineering, Wright-Patterson AFB, OH
Welcome to Ohio: Our state flower is the orange highway construction barrel.
Help eliminate FOD in our lifetime.

Date: Fri, 18 Jun 1993 19:00:43 GMT
From: pa.dec.com!nntpd2.cxo.dec.com!nuts2u.enet.dec.com!little@decwrl.dec.com
Subject: NQOI Case: A Proposal for Action
To: ham-policy@ucsd.edu

john@anasazi.com (John R. Moore) writes:

>Well, I would point out that moon bounce requires enormous antennas. Are
>we going to force all neighbors to tolerate 10 meter dishes?

>

>In other words, if you want to do serious VHF/UHF weak signal work,
>get a mountain top well away from other people! If nothing else, having
>neighbors means having EMI on your weak signal bands.

>

>We cannot reasonably expect to accomodate all modes of communication on all
>bands with optimal antenna systems! It just isn't going to happen, and
>it doesn't make sense for it too in all cases.

So let me see if I have this straight. To pursue my hobby I have to find a
new job, move my family, and what else? Also the number of 10 meter dishes
working the moon can probably be counted on 1 hand. Working the moon like
working the satellites and local repeaters *is* one activity that *doesn't*
absolutely require height and can be done with modest antennas based upon

the number of people working the moon on single long yagis.

I don't think I've heard anyone proposing "optimal", just usable. Optimal antennas would be stacked long boom yagis at 100-200'. My request to put up a 10' roof mount tripod is hardly "optimal", yet it is prohibited by local zoning ordinances.

And I guess according to you, SSB operation on all the bands above 50 MHz is something out of the ordinary and not worthy of protection? That's great if you think amateur radio is limited to 2 meter FM repeaters and a few hundred kHz between 10 MHz and 30 MHz. Some of us think there is more to amateur radio than drive time and flaming on 20 meters.

If people want to live in cookie cutter neighborhoods where everything looks like everything else, let them buy a house in an area with very restrictive covenants. But zoning laws impose their will upon a much larger area than a development. Zoning laws were started to prevent an industrial complex from being built next to a residential neighborhood, not to tell you what brand of mail box you have to install.

73,
Todd
N9MWB

Date: 18 Jun 93 01:09:49 EDT
From: concert!news-feed-1.peachnet.edu!bogus.sura.net!udel!news.intercon.com!
psinnntp!arrl.org@decwrl.dec.com
Subject: NQ0I Case: A Proposal for Action
To: ham-policy@ucsd.edu

In rec.radio.amateur.policy, little@nuts2u.enet.dec.com (nuts2u::little) writes:
>

>Come on Paul, get serious. True tropo is not that common as compared to
>normal forward scatter which requires height and gain. In any case,

Not really true, if you are talking about troposcatter. What reliable troposcatter involves is illuminating the troposphere with enough signal. True, at 2 meters you might need a high antenna to get low radiation angles, but you could try a microwave band. You don't have to be very high to get low angle radiation out of a 2.3 GHz dish.

Assuming you have the low angle of radiation, what is important is the lack of nearby obstructions, so the troposphere can be illuminated well. Thus, a station such as W1NY in Springfield, MA does very well--their antennas are actually quite low but the hills are quite a ways off. Thus, they do quite well on troposcatter by running lots of power. By

not being on a high mountaintop, they avoid much of the nasty weather one might expect during a New England winter.

On 10 GHz, it made more sense to have friends operate from a suitable parking lot or anything else that seemed halfway decent, rather than drive up to "that scenic view." Of course, this was SSB/CW troposcatter, rather than line of sight WBFM work. The key was finding spots without trees in the way.

>suggesting that the height of a weak signal VHF/UHF antenna is not of
>paramount importance is utter nonsense. The ability to hear weak
>terrestrial signals is almost directly proportional to one's antenna
>height. There are many well equipped VHF/UHF stations in the Chicago area
>and those with antennas in the 60-100' HAAT range hear far more signals
>than those of us at the 30' HAAT level. With similar or identical antennas

The higher antennas are undoubtedly much clearer of local obstructions, such as power/phone lines and buildings. Will you see much benefit going even higher? Depends on the tradeoffs. Huge EME arrays are often quite low, but have fantastic troposcatter coverage (1000 miles?)

Page 23-11 of the ARRL antenna book has an interesting graph--there isn't that much additional path loss between 100 miles and 250 miles, compared to what you might expect.

Zack Lau KH6CP/1

Internet: zlau@arrl.org "Working" on 24 GHz SSB/CW gear
Operating Interests: 10 GHz CW/SSB/FM
US Mail: c/o ARRL Lab 80/40/20 CW
225 Main Street Station capability: QRP, 1.8 MHz to 10 GHz
Newington CT 06111 modes: CW/SSB/FM/packet
amtor/baudot
Phone (if you really have to): 203-666-1541

>and comparable stations, they'll be getting 59 reports on signals many of
>us can't hear.

>

>When conditions are good, you're right, height isn't real important. But
>for the other 99.9% of the time height is crucial.

Date: Fri, 18 Jun 1993 17:18:32 GMT
From: swrinde!gatech!asuvax!ennews!anasaz!misty!john@network.UCSD.EDU
Subject: NQOI Loses Big PRB-1 Antenna Case
To: ham-policy@ucsd.edu

little@nuts2u.enet.dec.com (nuts2u::little) writes:

]>I suspect that another reason they don't fund the cases is that they KNOW
]>that there is no strong case to be made for amateurs, except in extreme

]Are you suggesting that the amateur service isn't worth protecting or have
]sufficient value to fight antenna restrictions?

I am indeed suggesting that we do not have a legal case to be made for
claiming the protections many (such as NQ0I) are claiming. There is no
point in investing in a case if it is known to be a loser.

]>situations (and the NQ0I case doesn't fit that - it doesn't even
]>come close!). I don't believe that there is a federal court in the
]>land that is going to rule that PRB-1 allows someone to put up 100 foot
]>antennae in scenic areas. Thus money spent in such cases is simply
]>thrown away.

]Get your facts straight. That "scenic vista" was already marred with high
]tension power lines and supporting towers. I would hazard a guess that
]NQ0I's antenna wouldn't have been noticed amongst all the other aluminum
]and steel dotting the skyline.

Then why did he lose his case? Because the ARRL didn't chip in money?

I agree that he has been clobbered unfairly, but that doesn't mean that
I believe that ARRL money should have been spent on that case.

]>Finally, if these cases are that important, why should we ask the ARRL
]>to fund it out of normal operating funds? Shouldn't the whole ham
]>community chip in? How about the majority of hams who refuse to contribute
]>to ARRL? Where were they?

]The ARRL claims to represent the amateur radio service in the U.S. It's
]probably a reasonable claim as they have far more members than the next
]largest organization. If you can find a way to get all hams to fund it,
]fine! If you think this is a minor problem, then I think you are fortunate
]to live where you live.

If you had read my postings, you would understand that your last sentence
is nonsense. I live in the Phoenix metro area in a neighborhood with
strict CC&R's. I have to make do with a 16' high beam. You can understand
that I have trouble having sympathy for someone who wants to put up a 100'
tower (even though a reading of the court ruling implies he should now be
able to put up a 60' one) after what I have to put up with!

I am all for the ARRL protecting us from antenna prohibitions and really

low height limits. I don't think we stand a prayer in court of defending 100 foot high antennas against neighbor objections. Here in Phoenix, today, we have the following choice: buy an old house in an old neighborhood and deal with the local zoning restrictions, or buy a new house or a house in a really nice neighborhood and deal with CC&R's. As far as I'm concerned, the sort of thing that NQ0I faced, as obnoxious as it was, is nothing compared to what most of us have to deal with. Lets start by fighting CC&R's and by hitting those areas that deny antennas even to 35 feet, and if we win there, then we can go after those that try to prohibit 100' antennae.

My point about ARRL is that most of the people who bitch about ARRL not doing anything for hams themselves don't contribute money to ARRL or anyone else. ARRL is far from perfect (hey, I dropped out for 10 years to register my discontent with the incentive licensing stuff in the 60's), but we need to understand their limitations. I have spoken with Chris Imlay on a number of occasions on this and other legal issues, and I think he has a reasonable view of the whole thing.

]Good for you. Unfortunately there are village boards that feel they need]to flex the muscles to show how important they are. In my village, the]zoning board, village board, and village attorney are well aware of PRB-1,]FCC regulations, etc. That doesn't stop them from taking the attitude "You]don't like our ordinances? Sue us!" This same board wanted to fight the]atheists over religious symbols in the village seal even though a]neighboring village lost their case in front of the supreme court.

This is unfortunate, but what are we supposed to do about it? ARRL can't fund every fight! I live next to a community like that (I first looked to put up a house there) and as a result of my house search learned enough about that community (Town of Paradise Valley, AZ) to understand that they are just like your village. Even now, they are trying to annex the county island that I live in!

The fact is that today in America there are a lot of "do gooders" who see it as their mission to make sure you and I and everyone else live their lives in exactly the way the "do gooders" want. In real estate, this means letting them have control over your property so they can "protect" your property values. Unfortunately, their position has a grain of truth to it - people DO care a lot about property values, because many of us have our retirement savings in home equity!

We have to pick our battles and not fight each one of these. Ham radio is not the area to fight the general societal trend.

]>danger. PRB-1 (so far) has guaranteed that you can put up a tolerable

]>(if not optimal) antenna system. CC&R's stop you dead.

]Only if you have the funds to fight it in court. A couple of good cases
]and perhaps some way of forcing flagrant violators to pay legal fees would
]change the situation dramatically. I'm sure I could fight my local village
]on the basis of PRB-1 and probably win in court. But this is a *hobby* for
]me, not something I'm willing to plow my family's savings into.

Well, this is just life. What are you going to do about it? At least you
have a legal stand if you choose to spend the money to exercise it. Those
of us with CC&R's currently have no winning legal argument at all! I am sorry
that your town is run by a bunch of bozos, but I don't see what that has
to do with ARRL contributing to NQ0I's fight or to most other fights. You
have already said that your town ignores legal precedent, so even if ARRL
took on a town just like yours next door, and won, it wouldn't do you any
good.

--

John Moore NJ7E, 7525 Clearwater Pkwy, Scottsdale, AZ 85253 (602-951-9326)
john@anasazi.com ncar!noao!asuvax!anasaz!john anasaz!john@asuvax.eas.asu.edu
- Democracy is two wolves and a sheep using majority vote to decide what -
- to have for dinner. SUPPORT THE BILL OF RIGHTS - INCLUDING THE 2nd! -

Date: (null)

From: (null)

>So, no, we're not on a losing trend. But if we want to maintain or increase
>our allocations, we need much higher utilization of the UHF bands. Luckily,
>the new tech license, and faster digital technologies, seems to be
>accomplishing that goal.

Yes the bands are filling nicely, from the bottom up as expected. But
we need to fight like the devil to keep the upper reaches because we're
going to need them soon. We've already lost 90% of the allocations for
space operations. Now we hadn't touched much of that, but it's inevitable
that we would have as we launch more capable satellites, that is if it had
remained under our control. Just because we gained some slivers at HF
doesn't mean we're winning. That's the most useless spectrum, even the
SW broadcasters are talking about moving to satellite DAB.

Gary

--

Gary Coffman KE4ZV		You make it,		gatech!wa4mei!ke4zv!gary
Destructive Testing Systems		we break it.		uunet!rsiatl!ke4zv!gary
534 Shannon Way		Guaranteed!		emory!kd4nc!ke4zv!gary
Lawrenceville, GA 30244				

Date: Fri, 18 Jun 1993 13:56:15 GMT
From: pravda.sdsc.edu!news.cerf.net!usc!elroy.jpl.nasa.gov!swrinde!emory!kd4nc!
ke4zv!gary@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <1993Jun16.221448.7234@leland.Stanford.EDU>,
<1993Jun17.073754.2670@ke4zv.uucp>, <1993Jun17.200211.5617@leland.Stanford.EDU>R
Reply-To : gary@ke4zv.UUCP (Gary Coffman)
Subject : Re: NQ0I Case: A Proposal for Action

In article <1993Jun17.200211.5617@leland.Stanford.EDU> paulf@umunhum.stanford.edu
(Paul Flaherty) writes:

>In article <1993Jun17.073754.2670@ke4zv.uucp> gary@ke4zv.UUCP (Gary Coffman)
writes:

>>While gaining tiny slivers at HF, we've lost 2 MHz at 220 MHz, and 90%
>>of our satellite frequencies at SHF. We've gained 902-928 MHz, but that's
>>now being taken away again thanks to the political efforts of a vehicle
>>tracking company's legal wrangling. I don't think you can show net wins
>>in total spectrum between 1970 and today.

>
>Well, for starters, those "tiny slivers" are seeing more use than any spectrum
>we've gained above 30 MHz in recent years. We're losing 902-928 because,
>after ten years of existence, usage is still very light at best. Out here
>on the Left Coast, we've coexisted with PAVE PAWS in the repeater segment of
>70cm for quite some time without ill effects. Yes, I'm aware of the 100 ft
>flaw in the wind profiler study, but you have to remember that the pattern
>is very directional, and upwards. They're also working on better profilers
>in the 1 GHz region.

I've got 21 902 MHz repeaters, so I'm very sensitive to that issue. We
also have to deal with PAVE PAWS here, there's one in Warner Robbins.
All we get is backscatter though; it looks south. The profilers are
really a different kind of thing. Not only are hams alarmed, but a
large segment of the land mobile community is up in arms about it too.
We see that our high sites are going to be directly in the main lobe
of the system, not way off in the fringe as they promised. I know about
the other frequency segment where they're trying profilers, but theory
says that they'd work best at around 350-400 MHz rather than at 1 GHz,
or even the top of our ham band. That GHz spectrum is also wanted for DAB,
and the NAB has more pull than amateurs, or even sometimes the FAA. We see
this as such a threat, that there's a rush on here to relocate repeaters to
the bottom of the repeater band.

>And, oh yeah, it now appears that we're going to get 3-4 MHz more just under
>220 MHz.

Date: Fri, 18 Jun 93 17:02:33 GMT
From: dog.ee.lbl.gov!hellgate.utah.edu!caen!uwm.edu!ux1.cso.uiuc.edu!
howland.reston.ans.net!agate!headwall.Stanford.EDU!nntp.Stanford.EDU!umunhum!
paulf@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <1993Jun17.073754.2670@ke4zv.uucp>,
<1993Jun17.200211.5617@leland.Stanford.EDU>,
<1993Jun18.135615.9568@ke4zv.uucp>wall.
Subject : Re: NQOI Case: A Proposal for Action

In article <1993Jun18.135615.9568@ke4zv.uucp> gary@ke4zv.UUCP (Gary Coffman)
writes:
>Just because we gained some slivers at HF doesn't mean we're winning. That's
>the most useless spectrum, even the SW broadcasters are talking about
>moving to satellite DAB.

Aren't we being just a tad bit subjective there? From an operational point
of view, "useless" means "nobody uses it", and I'm willing to bet that the
number of ops who use those "tiny slivers" greatly exceeds the number of
folks who use 902-928.

--
-=Paul Flaherty, N9FZX | "The National Anthem has become The Whine."
->paulf@Stanford.EDU | -- Charles Sykes, _A Nation of Victims_

Date: Fri, 18 Jun 1993 13:31:03 GMT
From: pravda.sdsc.edu!news.cerf.net!usc!howland.reston.ans.net!
europa.eng.gtefsd.com!emory!kd4nc!ke4zv!gary@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <1vnp4v\$e03@doc.cc.utexas.edu>, <1993Jun17.072435.2503@ke4zv.uucp>,
<C8s46n.3rr@pacifier.rain.com>emory
Reply-To : gary@ke4zv.UUCP (Gary Coffman)
Subject : Re: Blind VEs

In article <C8s46n.3rr@pacifier.rain.com> mikef@pacifier.rain.com (Mike Freeman)
writes:
>In article <1993Jun17.072435.2503@ke4zv.uucp> gary@ke4zv.UUCP (Gary Coffman)
writes:
>>
>>Just answer the question, would you follow the stray, or would

>>you demand a certified guide dog?

>>

>(a) It would depend upon which school trained the dog -- some are
>better than others and there are some instances wherein
>I've seen dogs trained by their owners as guide dogs that worked
>out well. Then there are others wherein they were terrible!
>This is a subject of some controversy (and off-topic) among guide
>dog owners at the moment. But I'd rather have a dog trained
>by *some*body than a stray (I use a cane, BTW, so won't comment
>on dogs further).

The VE process has to be above reproach, like Ceaser's wife, even the appearance of impropriety must be avoided. The FCC was very reluctant to go to the VE system; they were forced to do so by lack of funds. They've kept a jaundiced eye on it since. There have been purchased licenses, there has been cheating. It hasn't been wholesale, but it's already given the VE system a black eye. I think that they are very very reluctant to allow anything that would make the exam process appear to be even less closely controlled than it is. Unlicensed observers are just such a thing. (Though as I've said before, holding an Extra class license doesn't automatically make someone a qualified proctor.)

This issue goes beyond the physical impairments of some VE candidates. I don't think flight physicals are the answer, but certified observers certainly would be a step in the right direction.

Gary

--

Gary Coffman KE4ZV		You make it,		gatech!wa4mei!ke4zv!gary
Destructive Testing Systems		we break it.		uunet!rsiatl!ke4zv!gary
534 Shannon Way		Guaranteed!		emory!kd4nc!ke4zv!gary
Lawrenceville, GA 30244				

Date: Fri, 18 Jun 1993 16:31:09 GMT

From: elroy.jpl.nasa.gov!usc!howland.reston.ans.net!math.ohio-state.edu!

sol.ctr.columbia.edu!destroyer!ncar!elmore@decwrl.dec.com

To: ham-policy@ucsd.edu

References <john.739732048@misty>, <1993Jun11.162258.29614@ncar.ucar.edu>,
<john.739818983@misty>.n

Subject : Re: NQOI Loses Big PRB-1 Antenna Case

john@anasazi.com (John R. Moore) writes:

>The PRB-1 test would be that it is a reasonable compromise between

>communications ability and the mandates of the zoning board. It sounds
>like it was to me. I agree that it is silly in a neighborhood with
>high tensions lines, but did he argue ON THAT BASIS?

Yes, among others.

> In general, the
>zoning authorities have absolute say over matters of safety, and
>significant (way too strong IMHO) say over matters of aesthetics.
>I can't see the property and thus cannot form a personal judgement on
>the aesthetic aspects of it, but I'd be surprised if they weren't significant
>for at least some people.

Actually, one neighbor chose to have a 35' antenna directly within his family-room view of the mountains, instead of a taller tower completely outside his family-room view of the mountains. This isn't rational. In fact, what has irritated us most about this entire mess is the irrationality displayed by the governing authority. It is as if antennas constitute the Antichrist incarnate.

>As one who lives with far more serious restrictions, all I can say is
>"gee, he didn't want much, did he?"

Why this epithet? I'm sorry you live under such onerous restrictions, but does this mean that we all must live under similar restrictions?

Given that:

- 1) there were no CC&R's limiting antennas in his neighborhood,
- 2) antennas were explicitly exempt from height restrictions in the Boulder County Comprehensive Plan (something Boulder County amateurs had worked hard to achieve),

and

- 3) the tower would have been engineered to withstand 180 mph winds with the equivalent loading of TH7DXX (note that the TH7DXX would collapse prior to reaching such a wind) and so did not comprise a hazard to the health, safety or welfare,

what is wrong with wanting a good-sized support?

>The trend to censor all unnormal
>uses of properties offends me, but I think in this case PRB-1 was applied
>pretty well.

Reading the decision carefully will reveal the the Court isn't so sure. In fact, they plainly state that they don't think this result is what the FCC intended and the PRB-1 was poorly written because it provides no objective guidelines on what constitutes "balance".

>And, it doesn't take a 125' height to put out a good signal
>on 160m! Sure, he might squeeze out an extra quarter of a DB or so,
>but that doesn't sound like a very strong legal argument.
>I would be happy to live with what he was granted. Can you tell me
>QUANTITATIVELY the difference between 35' and 125' on these
>operations? In dB?

I don't have the numbers at hand; my apologies. It should be sufficient to note that both NQOI's expert witness *AND* Boulder County's expert witness agreed that 35' was seriously deficient for NQOI's stated objectives. They did quite numbers but it was some years ago and I foolishly left my notes at home.

[reference to a planning board's suggestion of a 60' crank-up, to be extended only between the hours of 1 hr after sunset and 1 hr before sunrise with no guys attached or visible at other times deleted. Note that the afore mentioned mythical tower is not commercially available that meets the wind loading requirements in Boulder: even cranked down, it would have to be guyed]

>They are better than nothing!

NQOI was never offered this compromise by the County -- I failed to mention that in an earlier post. But, by any stretch, that's a poor application of "reasonable accommodation" in my book. At what point, I wonder, would it *not* be better than nothing? I wonder, John, at what point you would decide that the restrictions are so strong that you could not pursue your hobby in a pleasant atmosphere? What would you do: abandon the hobby or attempt to defend your avocation?

>Look, I'd love to have a 100' crankup.
>I live in a neighborhood that allows NO antennas without approval, but
>they have ignored my beam at 16 feet. Would it work better at 35 feet -
>sure! Would that be in the public good? Yes, I think my Hurricane Watch
>Net work is far more valuable to the public than someone's ability to
>work DX or win a contest! Am I fighting it? No. I had no real choice
>but to buy in an antenna restricted area, but my neighbors had no real choice
>but to live with me, so I accept it. I am quite sure that my putting
>up a 35 foot or 60 foot tower WOULD reduce property values here.

It's a shame you have bought into "common knowledge" so

easily. Fortunately, we didn't. Using matched-pairs analysis (the same technique used to show that blacks don't reduce property values when they move into all-white neighborhoods and so leading to the Federal pre-emption of CC&Rs that restrict blacks from purchasing homes in otherwise restricted areas) we showed, at a 95% confidence level (97.5%? I don't recall for certain, but I rememebr that it was at least 95%), that the presence of large ham antennas *do not* adversely affect property values in established neighborhoods in the Denver-Boulder area. In fact, we noted that the selling price, per sq ft of floor space, for homes within plain sight of the antennas was slightly higher, though not significantly higher in a statistical sense. Tower heights ranged all over the place for this study, from over 100' to around 50' or 60'.

The opposition countered with a study at one site where selling prices were compared before and after destruction of a wooded region and installation of 90' power pylons and lines across a west view of the mountains. In this case, installation of the power lines in an immature neighbor hood (it was still being built) did adversely affect prices a slight amount.

>I think the time is coming where one can only put up a big tower if one
>lives out in the middle of nowhere or on old lots in cities that can't
>stop you.

In fact, that's what essentially constututes a "reasonable balance... with minimal practcable regulation" as far as Boulder County and teh Court is concerned. We must buy land and live elsewhere if we wish to pursue our hobby with significant antennas.

Perhaps this is an acceptable compromise for you, but not for myself and several others. One of my neighbors put it succinctly: "If I wanted to have control over everything you do with that parcel of land [gesturing towards my house] I would have bought it."

>Keep in mind that special preservation districts (whether historic
>or scenic) have a higher standing in the court than zoning in ordinary
>neighborhoods. Guess where the good antenna sites are: SPD's (hilltops)!

True, though NQOI doesn't live in an SPD.

>No one said he had to seek consensus from the amateur community!

It does sound like, though, that we must seek consensus from the general community before we may proceed. Frankly, I didn't purchase my sliver of land so that eveeveryone around me could tell me what to do with it. And, for the record, I'm not talking about burying hazardous waste, testing nuclear, chemical and/or biological

weapons, making, selling or distributing illegal drugs, running a brothel or porn studio, raising livestock or resurrecting Woodstock. I'm talking about the safe, responsible pursuit of something very dear to me, whether it's ham radio, model airplanes, restoring an antique airplane, growing flowers, restoring/repairing old cars, growing vegetables, painting or practicing my violin.

At some level, I need not seek my neighbor's approval to do what I like as long as I don't endanger the community's health, safety or welfare. We are essentially arguing what that level is. Apparently, I demand more of this freedom at a higher level than you do.

>I was
>simply pointing out that PRB-1 appears to have WON, not lost in this
>case!

No, PRB-1 lost rather big-time in this case. We have heard, though without any further substantiation, that the FCC is quite concerned about this outcome and may be considering rewriting or amending PRB-1 to avoid things like this in the future. Right now, we can only hope...

Kim Elmore, [N50P, PP ASEL/Glider 2232456]

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*  _._. _._. _._. _._. _._. . _ . . . . . _ _ _ . _ _ . _ . . . . . _ _ _ . _ _ . _ _ . _ _ . *
*   Said by NQ0I while working on his shack: *
*       "All these *wires*! Why do they call it 'wireless'!?" *
*  _._. _._. _._. _._. _._. . _ . . . . . _ _ _ . _ _ . _ . . . . . _ _ _ . _ _ . _ _ . _ _ . *
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